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Attorneys for Defendant
THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

ALOHA SPORTS INC., a Hawaii corporation,

Plaintiff,

v.

THE NATIONAL COLLEGIATE
ATHLETIC ASSOCIATION, an
unincorporated association,

Defendant.

DECLARATION OF DENNIS L.
POPPE IN SUPPORT OF
DEFENDANT’S MOTION FOR
SUMMARY JUDGMENT

1. I, DENNIS L. POPPE, submit this Declaration in support of the NCAA's Motion for Summary Judgment. I am over the age of 18 and am competent to testify to the facts stated herein. All statements made herein are based upon my personal knowledge and if called as a witness, I would so testify.

2. I have been a staff employee at the NCAA for 32 years. Currently I am the NCAA's Managing Director for football and baseball. In that capacity, I am responsible for all issues related to the sports of football and baseball, including but not limited to the administration of baseball and football championships, coordination of playing rules with the respective rules committees, serving as staff liaison with the coaches associations, working with postseason football bowl certification, monitoring and coordinating legislative issues, and addressing other issues that might impact on either sport. I have administered NCAA football championships since 1974 and currently serve as the primary staff liaison with the Division I-AA Football Committee, the NCAA Football Issues Committee, the NCAA Postseason Football Licensing Subcommittee, and liaison to the NCAA Football Rules Committee. I also serve as the staff liaison with the American Football Coaches Association. Prior to joining the NCAA, I served as a graduate assistant football coach and assistant director of athletics at the University of Missouri-Columbia. I received a B.A. from the University of Missouri in 1976. I was also a three-year varsity football letter winner and played in the 1968 Gator Bowl and 1970 Orange Bowl.

3. As part of my duties with the NCAA, I am familiar with the NCAA's records and files maintained in the ordinary course of its business. I am familiar with the methods of creation, receipt, and storage of documents utilized by the NCAA and its committees and the general procedures it employs to maintain the integrity of its business records. I am also familiar with the NCAA's library and archived materials including its manuals, handbooks, meeting minutes, and other publications such as brochures.

4. As part of my duties, I help prepare the text for the NCAA Postseason Football Handbook.

5. In the course of my employment at the NCAA I have been involved in document production and fact assembly for this litigation. I am familiar with NCAA record-keeping generally and have become, through the course of this case, familiar with documents we have amassed and produced from NCAA staff files and the NCAA Library.

6. The NCAA is a non-profit, voluntary association of approximately 1,260 institutions of higher education, athletics conferences and interested organizations. It is a non-profit, tax-exempt organization that is governed by a constitutionally authorized legislative process. Its services are passed through directly to its members. In fact, 94 cents of every dollar the NCAA receives from all sources, including its merchandising, trademark licensing, and national championship tournaments is returned to member institutions in the form of services, scholarships, or distributions.

7. NCAA membership is completely voluntary; there are many colleges and universities nationwide that do not belong to the NCAA.

8. Other associations exist that coordinate and regulate college and amateur athletics, such as the National Association of Intercollegiate Athletics ("NAIA"), the National Junior College Athletic Association ("NJCAA"), the National Christian College Athletic Association ("NCCAA"), the Amateur Athletic Union ("AAU"), and various Olympic sport governing bodies including the USOC and its constituent bodies governing each sport such as the USA Track and Field Association, and many others.

9. The NCAA serves as an oversight and standard-setting body, regulating the conduct and operation of intercollegiate athletics engaged in by its members pursuant to the Constitution adopted by its members, in order to protect student athletes, to preserve amateurism and the role of academics and education in college sport, and to set the parameters pursuant to which intercollegiate competition can take place. The NCAA has served the public in this manner since 1906.

10. More than 360,000 student-athletes compete in intercollegiate athletics at NCAA Member Institutions in an academic year. The NCAA administers 88 national championships in 23 sports. More than 40,600 student-athletes compete in these championships.

11. NCAA Member Institutions and Conferences participate in NCAA governance in three different membership Divisions. Member Institutions can participate in different

Divisions for different sports provided they meet the divisional membership requirements. Member institutions frequently move between divisions either entirely or with regard to specific sports.

12. Division I is comprised of 326 Member Institutions. The Division I membership is generally composed of those Member Institutions and Conferences that participate in the highest level of intercollegiate athletic competition and support a broad range of athletics programs. Division I Member Institutions recruit and compete on a national basis and provide broad-based scholarship assistance in the form of athletic scholarships to student-athletes in at least 14 sports, which can be comprised of 6-7 men's sports and 7-8 women's sports.

13. Division I is further divided into Division IA and Division IAA for the sport of intercollegiate football. Of the 326 Division I Member Institutions, 117 are in Division IA. Division IA is the highest level of competition in the sport of intercollegiate football.

14. The NCAA conducts 88 national championships in 23 sports, but it does not conduct a national championship at the conclusion of the regular season in Division IA football. Postseason play in Division IA is comprised of Bowl Games played across the country as a longstanding tradition that started with the Rose Bowl.

15. As noted above, I currently serve as managing director of football and baseball and as the staff liaison to the NCAA Football Issues Committee, the NCAA Football

Study Oversight Committee and the NCAA Football Rules Committee. Through service in these capacities, I have become familiar with the process by which Bowl Games are organized and promoted. As a result, I am familiar with the Certification Applications filed by plaintiff, Aloha Sports Inc. ("ASI"), in this action. I am also familiar with ASI's conduct of its Bowl Games and the feedback that the NCAA has received about ASI's Bowl Games from sponsors, conferences, participating teams, and the local community in which ASI organized its Bowl Games.

16. Bowl Games are organized and promoted by third-parties ("promoters"), not by the NCAA. These promoters file annual Applications with the NCAA. Until 2004 these applications were called "Certification Applications," but since 2004 the NCAA has instituted a licensing program under which the promoters must file an application to obtain a license to conduct a Bowl Game. For ease of reference given the time period in which ASI operated its Bowl Games, I will refer to the Certification Application in this declaration.

17. The NCAA reviews the promoters' Certification Applications in order to ensure that each Bowl Game has complied with NCAA regulations, that the Bowl Game will be supported by the local community, that the promoter has maintained a healthy environment for student-athletes, that student-athletes gain a positive experience from participation in Bowl Games, that the viewing public receives the standard of

organization and play that it has come to associate with intercollegiate sports, and that the prestige and goodwill of the NCAA and its members are not impaired.

18. Each Bowl promoter must file an annual Certification Application. Certification is valid only for the academic year for which it is granted, and if the Bowl Game is not played in the academic year for which it is certified, the Certification lapses.

19. The NCAA does not guarantee or promise Certification to any Bowl promoter. Each Application is granted or denied in the sound discretion of the NCAA's Football Certification Subcommittee.

20. The Application must certify the Bowl promoters' compliance with the NCAA's rules in regulations in the prior year's Bowl. The Application also seeks information about the Bowl promoter's ability and readiness to organize a quality Game by having in place sponsors, stadium facility, TV broadcaster, financial stability and commitments from participating teams. The Application also seeks information about a Bowl Game's past financial conduct and viability.

21. The NCAA's Certification of a Bowl Game bestows upon the promoter of the game the right to market products associated with the game, including tickets, sponsorship rights, TV broadcast rights and merchandise. The NCAA does not set prices of these various products. The prices are set by the promoters themselves.

22. The number of Bowl Games has increased from 18 in 1991-1992 to 28 in 2003-2004.

23. ASI is a promoter of Bowl Games. From 1982 to 2000 ASI organized and promoted the Aloha Bowl (1982-2000) and the Oahu Bowl (1998-2000) on the Island of Oahu in Hawaii.

24. In 2000 ASI's shareholders (the majority shares having been held by Leonard Klompus who had successfully operated the Bowl Games from 1982-1999) sold their shares to ASI Acquisition, Inc. whose President and sole shareholder was Frederick Rohlfing. In 2001 Mr. Rohlfing sold his interest to Mr. Terry Daw. The original shareholders of ASI have never been paid in full by Mr. Rohlfing and Mr. Daw.

25. In 2001 ASI advised the NCAA about its concerns about the viability of its Bowl Games continuing in Hawaii. At no time did ASI refer to or complain about the NCAA's postseason reimbursement rule as provided in the Postseason Football Handbook: "Institutions participating in a certified domestic postseason football game shall receive the greater of 75 percent of the gross receipts or \$750,000 each, or an amount greater than \$750,000 specified in a contract between the bowl and a conference." NCAA 2002-03 Postseason Football Handbook at 12 (Exhibit 2 to this declaration). In fact, ASI informed the NCAA and others in writing that it was motivated to move to the mainland in order to increase the amounts that it would pay to participating teams by attracting greater audiences. This rule could be waived for closed Bowl Games. It was not meaningful because the Bowl promoter could determine the number and price of tickets that it required the participating team to purchase. The

rule was removed from the NCAA's Postseason Football Handbook in 2003-04 and no longer appears in the Handbook.

26. In the Spring of 2002, the NCAA Football Certification Committee certified the Aloha Bowl to be played in San Francisco in 2001 and the Oahu Bowl to be played in Seattle in 2001. While the Seattle Bowl was played in 2001, ASI did not successfully organize the San Francisco Bowl to be played that year.

27. In the Fall of 2001, after Certification of the San Francisco Bowl, the NCAA Football Certification Committee and staff became concerned about ASI's ability to organize the San Francisco Bowl because ASI had not received commitments from NCAA conferences and did not have a committed stadium facility. In fact, ASI was still considering other cities as venues for the Bowl. As a result of these failures, the NCAA wrote to ASI in October of 2001, withdrawing Certification of the San Francisco Bowl for that year. ASI has never complained about this decision to the NCAA. In fact, as a concession to ASI, the NCAA informed ASI that in 2002 it would not have to apply for Certification as a new Bowl Game, which requires a more involved application process, but rather that the NCAA would consider the San Francisco Bowl's Application as it would a continuing Bowl Game. However, at no time did the NCAA inform ASI that it would guarantee Certification of the San Francisco Bowl in 2002. Instead, the NCAA made clear to ASI that any application for a San Francisco Bowl or other event in 2002

would have to meet all Certification criteria and would be subject to the normal review process of the NCAA.

28. ASI applied again in Spring of 2002 for Certification of what been called the San Francisco Bowl. ASI asked to move the game back to Hawaii and resume calling it the Aloha Bowl, despite its earlier communication to the NCAA, identifying the problems with its ability to conduct a successful Bowl Game in Hawaii. That same year the NCAA also received an Application from ESPN for a new Hawaii Bowl to be conducted on Oahu. ESPN's Application was complete and met all the Certification criteria specified. In contrast, ASI was lacking a sponsor, commitment from a stadium, contract with a TV broadcaster, and even commitments from participating teams. Upon reviewing the two Applications, the NCAA found that ESPN's Application had met the Certification criteria, whereas ASI's Application had not. Therefore, the NCAA denied Certification to the Aloha/San Francisco Bowl in 2002 and certified the ESPN Hawaii Bowl for 2002. At no time prior to filing this lawsuit did ASI complain of the NCAA's decision to deny Certification to its Aloha/San Francisco Bowl in 2002. ASI has not applied for Certification of the Aloha/San Francisco Bowl in any year since 2002.

29. ASI applied for and received Certification of the Seattle Bowl in 2002. The game was played in 2002 despite ASI's late filing of the Certification fee and failure to provide a timely letter of credit to the NCAA, as discussed further below.

30. In the Spring of 2003, ASI applied for Certification of the Seattle Bowl. The NCAA had received extensive negative feedback about ASI's conduct of the Seattle Bowl. In particular, the NCAA was aware that ASI had not paid many of its creditors, that it owed taxes to the State of Seattle, that its relations with the Seattle Chamber of Commerce had deteriorated, that it owed a substantial sum of money to the Mountain West Conference, and that it had not paid in full the teams that had participated in the 2002 Seattle Bowl.

31. At no time had ASI challenged or questioned the postseason reimbursement rule requiring bowl promoters to pay participating teams \$750,000 each as a problem for the Seattle Bowl. Since it was a closed Bowl, ASI could have asked for a waiver of that rule, but never did so. In fact, in 2002 the Seattle Bowl, independent of the rules of the NCAA, contracted to pay the participating teams \$1 million each, a sum greater than required by the postseason reimbursement rule.

32. In 2002 the Seattle Bowl had contracted with the Mountain West Conference to supply a team for participation in its Seattle Bowl in return for an up-front participation fee in the amount of \$250,000. This fee was to be refunded to the Conference in the event there was no bowl eligible team in the Conference, according to the NCAA's rules, at the end of the regular season. The Mountain West Conference did not have a bowl eligible team in 2002 and sought a refund of its participation fee from ASI. ASI failed to return this fee to the Conference. The Conference filed suit in King County,

State of Washington where it was awarded a Judgment. To date the Conference had not received a refund of this participation fee from ASI.

33. ASI was late in filing its Certification fee for the 2002 Bowl Game. The fee was not paid until after the Game had been played and was only paid in Spring of 2003.

34. One of the NCAA's requirements for Certification of a Bowl Game is that a Bowl promoter must secure a letter of credit from a Bank, which can be used to satisfy outstanding debts. ASI did not supply a letter of credit for its 2002 Seattle Bowl by the deadline provided by the NCAA. The NCAA twice extended the deadline for ASI and only received the letter of credit a few days before the Bowl Game was held.

35. Because of ASI's breaches of its obligations, outstanding debts, poor reputation in the local community and various violations of the NCAA's Certification rules, the NCAA was concerned about the viability of ASI's Seattle Bowl and whether it would provide participating teams with a positive experience and maintain the quality that the viewing public associates with intercollegiate football. Terry Daw, owner of ASI and the Seattle Bowl, did not attend the Certification meeting for the 2003 Seattle Bowl to address these concerns. Instead, Mr. Paul Feller, President of Pro Sports & Entertainment, attended that meeting as a potential purchaser of ASI. Pro Sports & Entertainment had previously operated the Freedom Bowl, but that Bowl failed and had not been played for the past several years. The NCAA was not aware of the details of the agreement between Messrs. Feller and Daw, but the NCAA Football Certification

Committee decided that it would not be in the interest of the sport of football going forward to certify the Seattle Bowl given its track record and lack of assurance of its success going forward. For all these reasons, the NCAA denied Certification to the Seattle Bowl for the 2003-04 season.

36. The NCAA's decision to deny Certification to the 2003 Seattle Bowl had nothing to do with the postseason reimbursement rule. Instead it was based upon ASI's violations of the NCAA's Certification regulation in prior years, poor conduct of the Bowl Game and dwindling community support.

37. The NCAA has denied Certification to other bowls in prior years for failure to abide by the NCAA's regulations or poor financial governance. For example, the NCAA denied Certification to the Copper State Bowl in 1983, the Bluebonnet Bowl in 1988, and the Haka Bowl in 1996. However, the NCAA does not permanently decertify Bowl Games. As noted above, each Bowl Game must submit a new Application for Certification every year. If a Bowl Game is decertified for one season, there is no NCAA rule that prevents the promoter for applying for Certification of a new Bowl Game in the subsequent year(s) if it is able to meet the conditions required for Certification.

38. ASI could have submitted a new Application for Certification after 2003. However, ASI has not applied for Certification of any Bowl Game after 2003.

39. ASI had agreements with conferences which required the conferences to provide a Bowl eligible team to its Bowl Games. As such, ASI's Bowl Games were "closed" because they did not have at-large selection of teams at the end of the regular season.

40. The NCAA's postseason reimbursement rule contains a waiver provision for "closed" Bowl Games, specifically it provides: "A waiver of this provision may be granted to a closed game." NCAA 2002-03 Postseason Football Handbook, page 12 (Exhibit 2 to this declaration). At no time did ASI seek a waiver of any NCAA regulation.

41. The exhibits attached to this declaration are true and correct copies of documents maintained by the NCAA in the files of the Football Certification Committee as records of its activities, which were produced by the NCAA to Aloha Sports, Inc. during the course of discovery:

- Exhibit 1 is a true and correct copy of the NCAA 2003-04 Postseason Football Handbook, produced during discovery by the NCAA. The Handbook contains rules and policies pertaining to Certification of Bowl Games. It is the standard reference tool for the members and staff of the NCAA to obtain rules pertaining to Bowl Games. The NCAA creates, disseminates and retains these Handbooks in the ordinary course of its business to embody and as a reference of the Association's current rules and regulations regarding postseason Bowl Games.

- Exhibit 2 is a true and correct copy of the NCAA 2002-03 Postseason Football Handbook, produced during discovery by the NCAA. The Handbook contains rules and policies pertaining to Certification of Bowl Games. It is the standard reference tool for the members and staff of the NCAA to obtain rules pertaining to Bowl Games. The NCAA creates, disseminates and retains these Handbooks in the ordinary course of its business to embody and as a reference of the Association's current rules and regulations regarding postseason Bowl Games.
- Exhibit 3 is a true and correct copy of the NCAA 2001-02 Postseason Football Handbook, produced during discovery by the NCAA. The Handbook contains rules and policies pertaining to Certification of Bowl Games. It is the standard reference tool for the members and staff of the NCAA to obtain rules pertaining to Bowl Games. The NCAA creates, disseminates and retains these Handbooks in the ordinary course of its business to embody and as a reference of the Association's current rules and regulations regarding postseason Bowl Games.
- Exhibit 4 is a true and correct copy of the NCAA 2000-01 Postseason Football Handbook, produced during discovery by the NCAA. The Handbook contains rules and policies pertaining to Certification of Bowl Games. It is the standard reference tool for the members and staff of the NCAA to obtain rules

pertaining to Bowl Games. The NCAA creates, disseminates and retains these Handbooks in the ordinary course of its business to embody and as a reference of the Association's current rules and regulations regarding postseason Bowl Games.

- Exhibit 5 is a true and correct copy of an excerpt of the NCAA 1999-00 Postseason Football Handbook, produced during discovery by the NCAA. The Handbook contains rules and policies pertaining to Certification of Bowl Games. It is the standard reference tool for the members and staff of the NCAA to obtain rules pertaining to Bowl Games. The NCAA creates, disseminates and retains these Handbooks in the ordinary course of its business to embody and as a reference of the Association's current rules and regulations regarding postseason Bowl Games.
- Exhibit 6 is a true and correct copy of an excerpt of the NCAA 1998-99 Postseason Football Handbook, produced during discovery by the NCAA. The Handbook contains rules and policies pertaining to Certification of Bowl Games. It is the standard reference tool for the members and staff of the NCAA to obtain rules pertaining to Bowl Games. The NCAA creates, disseminates and retains these Handbooks in the ordinary course of its business to embody and as a reference of the Association's current rules and regulations regarding postseason Bowl Games.

- Exhibit 7 is a true and correct copy of the Schedule of 1997-98 Postseason Football Games Certified by the National Collegiate Athletic Association. The NCAA creates and retains these schedules in the ordinary course of its business, which are based on information from a person or persons with knowledge of the subject matter, as documentation of the postseason football games approved for Certification.
- Exhibit 8 is a true and correct copy of an excerpt of the NCAA 1996-97 Postseason Football Handbook, produced during discovery by the NCAA. The Handbook contains rules and policies pertaining to Certification of Bowl Games. It is the standard reference tool for the members and staff of the NCAA to obtain rules pertaining to Bowl Games. The NCAA creates, disseminates and retains these Handbooks in the ordinary course of its business to embody and as a reference of the Association's current rules and regulations regarding postseason Bowl Games.
- Exhibit 9 is a true and correct copy of an excerpt of the NCAA 1995-96 Postseason Football Handbook, produced during discovery by the NCAA. The Handbook contains rules and policies pertaining to Certification of Bowl Games. It is the standard reference tool for the members and staff of the NCAA to obtain rules pertaining to Bowl Games. The NCAA creates, disseminates and retains these Handbooks in the ordinary course of its

business to embody and as a reference of the Association's current rules and regulations regarding postseason Bowl Games.

- Exhibit 10 is a true and correct copy of an excerpt of the NCAA 1994-95 Postseason Football Handbook, produced during discovery by the NCAA. The Handbook contains rules and policies pertaining to Certification of Bowl Games. It is the standard reference tool for the members and staff of the NCAA to obtain rules pertaining to Bowl Games. The NCAA creates, disseminates and retains these Handbooks in the ordinary course of its business to embody and as a reference of the Association's current rules and regulations regarding postseason Bowl Games.
- Exhibit 11 is a true and correct copy of an excerpt of the NCAA 1993-94 Postseason Football Handbook, produced during discovery by the NCAA. The Handbook contains rules and policies pertaining to Certification of Bowl Games. It is the standard reference tool for the members and staff of the NCAA to obtain rules pertaining to Bowl Games. The NCAA creates, disseminates and retains these Handbooks in the ordinary course of its business to embody and as a reference of the Association's current rules and regulations regarding postseason Bowl Games.
- Exhibit 12 is a true and correct copy of an excerpt of the NCAA 1992-93 Postseason Football Handbook, produced during discovery by the NCAA.

The Handbook contains rules and policies pertaining to Certification of Bowl Games. It is the standard reference tool for the members and staff of the NCAA to obtain rules pertaining to Bowl Games. The NCAA creates, disseminates and retains these Handbooks in the ordinary course of its business to embody and as a reference of the Association's current rules and regulations regarding postseason Bowl Games.

- Exhibit 13 is a true and correct copy of an excerpt of the NCAA 1991-92 Postseason Football Handbook, produced during discovery by the NCAA. The Handbook contains rules and policies pertaining to Certification of Bowl Games. It is the standard reference tool for the members and staff of the NCAA to obtain rules pertaining to Bowl Games. The NCAA creates, disseminates and retains these Handbooks in the ordinary course of its business to embody and as a reference of the Association's current rules and regulations regarding postseason Bowl Games.
- Exhibit 14 is a true and accurate copy of an excerpt of the minutes of the NCAA Division I Football Issues Committee dated June 22, 2000, produced during discovery by the NCAA. The NCAA generates and retains meeting minutes, which are based on information from a person or persons with knowledge of the meetings in question, in the ordinary course of its business as an official record of the Association's activities.

- Exhibit 15 is a true and accurate copy of the agenda and associated attachments of the June 22-23, 2000 NCAA Division I Football Issues Committee meeting, produced during discovery by the NCAA. The NCAA generates and retains meeting minutes, associated agendas and meeting materials, which are based on information from a person or persons with knowledge of the agenda, minutes and materials, in the ordinary course of its business as an official record of the Association's activities.
- Exhibit 16 is a true and accurate copy of a report titled Financial Pressures dated January 31, 2001, produced during discovery by the NCAA. The NCAA creates and retains reports, based on information from a person or persons with knowledge of the subject matter, in the ordinary course of its business as a record of the Association's research and position on a variety of topics.
- Exhibit 17 is a true and accurate copy of the agenda and associated meeting attachments of the February 11-12, 2001 NCAA Football Study Oversight Committee. The NCAA generates and retains meeting minutes, associated agendas and meeting materials, which are based on information from a person or persons with knowledge of the agenda, minutes and materials, in the ordinary course of its business as an official record of the Association's activities.

- Exhibit 18 is a true and accurate copy of a letter from Fritz Rohlfing dated April 25, 2001, produced during discovery by the NCAA. The NCAA receives and retains correspondence such as this in the ordinary course of its business and relies on the information contained therein to assist in decision-making related to certifying bowl games.
- Exhibit 19 is a true and accurate copy of the minutes of the NCAA Football Certification Subcommittee dated April 25-27, 200, produced during discovery by the NCAA. The NCAA generates and retains meeting minutes, which are based on information from a person or persons with knowledge of the meetings in question, in the ordinary course of its business as an official record of the Association's activities.
- Exhibit 20 is a true and accurate copy of the minutes of the NCAA Football Certification Subcommittee dated September 11, 2001, produced during discovery by the NCAA. The NCAA generates and retains meeting minutes, which are based on information from a person or persons with knowledge of the meetings in question, in the ordinary course of its business as an official record of the Association's activities.
- Exhibit 21 is a true and accurate copy of a letter to Terry Daw dated September 14, 2001, produced during discovery. The NCAA creates and retains correspondence such as this in the ordinary course of its business,

based on information from a person or persons with knowledge of the subject matter, to document the Association's decisions regarding Certification of postseason bowl games.

- Exhibit 22 is a true and accurate copy of a letter to Terry Daw dated September 20, 2001, produced during discovery. The NCAA creates and retains correspondence such as this in the ordinary course of its business, based on information from a person or person with knowledge of the subject matter, to document the Association's decisions regarding Certification of postseason bowl games.
- Exhibit 23 is a true and accurate copy of the Certification Application materials for the 2002 Hawaii Bowl, produced during discovery by the NCAA. The NCAA receives these Applications in the ordinary course of its business and relies on the information contained therein to determine whether to certify bowl games. The NCAA maintains these Applications in the ordinary course of its business as part of its official files and records of the Football Certification Subcommittee of the Championships Cabinet.
- Exhibit 24 is a true and accurate copy of a letter to Terry Daw, produced during discovery by the NCAA. The NCAA creates and retains correspondence such as this in the ordinary course of its business, based on information from a person or persons with knowledge of the subject matter, to

document the Association's decisions regarding Certification of postseason bowl games.

- Exhibit 25 is a true and accurate copy of the report of the April 29 to May 1, 2002 meeting of the NCAA Division I Football Certification Subcommittee, produced during discovery by the NCAA. The NCAA generates and retains meeting reports, based on information from a person or persons with knowledge of the meeting in question, in the ordinary course of its business as an official record of the Association's activities.
- Exhibit 26 is a true and accurate copy of the handwritten staff liaison notes of the November 20, 2002 teleconference of the Football Certification Subcommittee, produced during discovery by the NCAA. The NCAA generates and retains staff liaison notes in the ordinary course of its business as a record of the Association's activities.
- Exhibit 27 is a memorandum to members of the Football Certification Subcommittee regarding the status of the letter of credit for the 2002 Seattle Bowl, produced during discovery by the NCAA. The NCAA creates and retains correspondence such as this, based on information from a person or persons with knowledge of the subject matter, in the ordinary course of its business to document the Association's decisions regarding Certification of postseason bowl games.

- Exhibit 28 is a letter from Robert Kamemoto, Senior Vice President, Central Pacific Bank, dated December 3, 2002, produced during discovery by the NCAA. The NCAA receives and retains correspondence such as this in the ordinary course of its business and relies on the information contained therein to assist in decision-making related to certifying bowl games.
- Exhibit 29 is a memorandum to NCAA Division I-A Commissioners dated December 3, 2002 regarding the status of the Seattle Bowl, produced during discovery by the NCAA. The NCAA creates and retains correspondence such as this in the ordinary course of its business, based on information from a person or persons with knowledge of the subject matter, to document the Association's decisions regarding Certification of postseason bowl games.
- Exhibit 30 is a true and correct copy of the Certification and Agreement document signed by the Atlantic Coast Conference with respect to the letter of credit for the 2002 Seattle Bowl dated December 10, 2002, produced during discovery by the NCAA. The NCAA receives and retains correspondence such as this in the ordinary course of its business and relies upon the information contained therein to assist in decision-making related to certifying bowl games.
- Exhibit 31 is a true and correct copy of the Certification and Agreement document signed by the University of Oregon with respect to the letter of

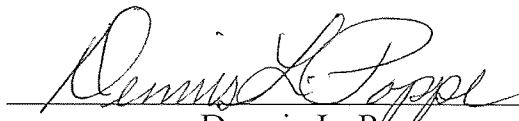
credit for the 2002 Seattle Bowl dated December 10, 2002, produced during discovery by the NCAA. The NCAA receives and retains correspondence such as this in the ordinary course of its business and relies on the information contained therein to assist in decision-making related to certifying bowl games.

- Exhibit 32 is a true and accurate copy of a document titled Postseason Football Issues For Discussion dated April 18, 2003, produced during discovery by the NCAA. The NCAA creates and retains documents such as this in the ordinary course of its business, based upon information from a person or persons with knowledge of the subject matter, as an official record of the Association's activities.
- Exhibit 33 is a true and accurate copy of an official NCAA news release titled NCAA Announces Certified Bowl Games for 2003-04, produced during discovery by the NCAA. The NCAA generates and retains documents such as this in the ordinary course of its business, based on information from a person or persons with knowledge of the subject matter, to publicize the Association's decisions.
- Exhibit 34 is a true and accurate copy of a document titled 2005 Seattle Bowl Presentation presented by Pro Sports & Entertainment, Inc. dated April 20, 2004, produced during discovery by the NCAA. The NCAA receives and

retains documents such as this in the ordinary course of business and relies on the information contained therein to assist in decision-making related to certifying bowl games.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 7, 2006, at Indianapolis, IN.


Dennis L. Poppe

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